



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

October 5, 2016

SECRETARY

MEMORANDUM TO: Victor M. McCree
Executive Director for Operations

FROM: Annette L. Vietti-Cook, Secretary **/RA/**

SUBJECT: STAFF REQUIREMENTS – SECY-16-0073 – OPTIONS AND
RECOMMENDATIONS FOR THE FORCE-ON-FORCE
INSPECTION PROGRAM IN RESPONSE TO SRM-SECY-14-
0088

The Commission has approved the staff's recommended Option 2, to conduct an assessment of the security baseline inspection program, including Force-on-Force (FOF), as limited and conditioned by the comments below. The Commission has also approved the staff's recommendation to terminate the FOF Tactics, Techniques, and Procedures Working Group and conduct any necessary follow-on activities within the program offices.

In implementing the assessment called for in Option 2, the staff should avoid attempting a fundamental redesign of the program. Rather, the staff should conduct a review limited to those areas that are the most likely to yield improvements and efficiencies, considering both internal and external feedback. The staff should include the following issues in its evaluation to determine whether crediting of operator actions; the use of FLEX equipment; or response by local, State, and Federal law enforcement would make the FOF exercises more realistic.

1. Evaluate how vulnerability assessments could be used to evaluate the effectiveness of licensee protective strategies, and whether credit could be given for operator actions or for the use of additional equipment such as "flex equipment," which was installed to enhance safety but can also provide a security benefit.
2. Evaluate whether the NRC should provide any credit for local, State, or Federal law enforcement response to establish coping time for security events. This evaluation should be accompanied by a discussion of next steps for the existing integrated response program.

Prior to any staff assessment of the industry proposal that rather than NRC conducting FOF exercises, the NRC should observe and evaluate licensee conducted FOF exercises, the Office of the General Counsel (OGC) shall complete a legal analysis on this matter. The legal analysis provided by OGC to the staff should also be provided to the Commission.

The staff should submit a notation vote paper to the Commission within 12 months from the date of this Staff Requirements Memorandum with recommendations on improvements to the security inspection program.

In implementing the NRC's regulatory program, either in developing new regulations, inspecting licensee compliance with regulations, or executing the FOF program, the staff should be mindful

that the concept of “high assurance” of adequate protection found in our security regulations is equivalent to “reasonable assurance” when it comes to determining what level of regulation is appropriate. The NRC should not be applying a “zero risk” mentality to security any more than we should be doing so with respect to safety. The staff should operate under this paradigm and eliminate ambiguity on this point in its guidance documents or other internal directives, instructions, or training materials, to the extent such ambiguity exists.

The staff should not create a new NRC guidance document to house operating experience associated with the FOF program. Such operating experience is more traditionally and effectively housed in and disseminated through industry guidance, endorsed by the NRC. Consequently, FOF operating experience, to the extent not documented elsewhere, should be consolidated into existing industry guidance documents.

cc: Chairman Burns
Commissioner Svinicki
Commissioner Baran
OGC
CFO
OCA
OPA
ODs, RAs, ACRS, ASLBP (via E-Mail)
PDR